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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/753,358 | 01/09/2004 | Hideaki Takahashi | 102106.02 | 6390 |
| 25944 | 7590 | 03/24/2005 | EXAMINER | |
| OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320 | | | TO, TOAN C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3616 | |
| DATE MAILED: 03/24/2005 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/753,358

Applicant(s)

TAKAHASHI, HIDEAKI

Examiner

Toan C To

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bauer (U.S. 5,082,310).

Bauer discloses a trim member for an automotive vehicle, comprising: an air bag door portion (skin layer 38 of upper and lower door portions 20, 22); a tear portion (66) formed in the air bag door portion; and a door hinge portion protecting plate (28, 30) disposed below and separate from the air bag door portion, protruding toward a side of the tear portion (66) rather than toward a hinge portion of the air bag door portion and having a high break force.

With respect to claims 2-4, Bauer discloses a trim member for an automotive vehicle, comprising: an air bag door portion (skin layer 38 of upper and lower door portions 20, 22); a tear portion (66) formed in the air bag door portion which is not visible from an outer appearance with a part of the tear portion (66) located at the center of the air bag door portion (between the portion 20 and 22); and force concentrating means (26), at least one of the force concentrating means (26) positioned below and separate from the air bag door portion and adjacent to a lower surface side of the air bag door portion, for pushing up at least one side of the air bag door portion located on

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either side of the part of the tear portion (66) located at the center of the air bag door portion (between the portion 20 and 22) when the bag body of the air bag is expanded, wherein the force concentrating means (26) is disposed at a lower side of said air bag door portion, and is a metal plate (see column 2, line 33) providing a narrow protrusion (58) at an upper surface of a distal end portion that abuts, when the air bag body is expanded, at least one side of the air bag door portion located on either side of the part of the tear portion (66) located at the center of the air bag door portion;

With respect to claim 5, as best understood by the examiner, Bauer discloses a trim member, wherein, a hinge portion (52) of the metal plate (26) is off set with respect to the tear portion (66) more than a hinge portion (portion of the skin layer that is adjacent to the hinging section 50) of the airbag door portion (skin layer 38); a portion of the metal plate (44) between the hinge portion and an end opposite the distal end has more rigidity than the hinge portion.

Response to Arguments

3. Applicant's arguments filed December 20, 2004 have been fully considered but they are not persuasive. The prior art still read on the claimed limitations.

In response to applicant's argument that Bauer fails to disclose "a door hinge portion protecting plate disposed below and separate from the airbag door portion" as recited in claim 1, and "the force concentrating means positioned below and separate from the airbag door portion and adjacent to a lower surface side of the airbag door portion" as recited in claim 2, the examiner respectfully disagrees with the following reasons: both claims 1 and 2 recites "an airbag door portion" instead of "airbag door",

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therefore, the examiner interprets that in of Bauer, the skin layer 38 corresponds to "the airbag door portion" as claimed, since the skin layer 38 covering the upper and lower door 20, 22 and it is configured to be opened with the door portions 20, 22, in other words, the skin layer is a portion or part of the upper and lower door 20, 22. Further, the metal substrate 26 having a upper and lower door portions 28, 30 is positioned below and separated from the skin layer 38 by a foam plastic 34, therefore, the metal substrate 26 is considered to correspond to "a door hinge portion protecting plate" and "force concentrating means" as recited in the claims.

With respect to applicant's argument that examiner's interpretation of a groove 66 corresponding to the "tear portion" as recited in the claims is incorrect, the examiner respectfully disagrees because as explained above, the skin layer 38 correspond to "the airbag door portion", and the groove 66 is formed in the lower surface of the skin layer 38. Therefore, the groove 66 is considered to correspond to "tear portion" as claimed.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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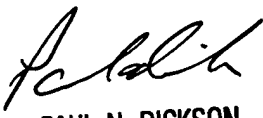
the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toan C To whose telephone number is (571) 272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTo
March 17, 2005

 3/21/05
PAUL N. DICKSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600